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Letter dated 12 May 2011 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council

I have the honour to transmit herewith the assessments of the President and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of the Completion Strategy of the Tribunal, pursuant to Security Council resolution 1534 (2004), as of 12 May 2011 (see enclosure).

I should be grateful if you would transmit the enclosed report to the members of the Security Council.

(*Signed*) Judge Dennis **Byron**
President

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Report on the completion strategy of the International Criminal Tribunal for Rwanda (as of 12 May 2011)

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Introduction

1. In 2003, the International Criminal Tribunal for Rwanda ("the Tribunal") formalized a strategy ("the completion strategy") to achieve the objectives of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010, in accordance with Security Council resolution 1503 (2003).

2. The present report, in conjunction with previous submissions to the Security Council pursuant to resolution 1534 (2004), provides an overview of the progress made to date by the Tribunal in implementing the completion strategy, which has been continuously updated and developed since 2003.[1]

3. As of 12 May 2011, the Tribunal has completed the work at the trial level with respect to 62 of the 92 accused. This includes 47 first-instance judgements involving 56 accused, 9 of whom pleaded guilty, two referrals to national jurisdictions, two withdrawn indictments and two indictees who died prior to or in the course of trial. Appellate proceedings have been concluded in respect of 35 persons. Ten fugitives remain at large.

I. Activities in Chambers

A. Activities at first instance

4. The present report covers the period from 2 November 2010 to 12 May 2011. At the beginning of the reporting period, the remaining workload of the Tribunal to be completed included 10 trial judgements in respect of 22 accused, with 10 fugitives remaining at large. During the reporting period, the Trial Chambers of the Tribunal have rendered two judgements in single-accused cases.[2] The Prosecutor has submitted requests for the referral of three cases to Rwanda, two for fugitives and one for a recently arrested accused. A decision on the first referral application is expected in June 2011.[3] As of 12 May 2011, judgements remain to be delivered in eight ongoing cases. One of the remaining judgements is scheduled to be delivered before the end of May 2011,[4] and a further five are expected in the second half of 2011.[5] The remaining two judgements are expected to be delivered in the first half of 2012.[6]

5. Two of the three judgements projected in the most recent completion strategy report for delivery in the course of the present reporting period were rendered, and

[1] See the reports to the Security Coucil on 14 July 2003 and 29 September 2003, in connection with General Assembly resolution 57/289 and the Tribunal's request to increase the number of ad litem judges sitting at any one time. Reports on the completion strategy were submitted to the President of the Security Council on 30 April and 19 November 2004, 23 May and 30 November 2005, 29 May and 8 December 2006, 31 May and 20 November 2007, 13 May and 21 November 2008, 14 May and 9 November 2009, and 25 May and 1 November 2010.

[2] *Gatete* and *Hategikimana*; further explanation is provided in paras. 7 and 8.

[3] Request submitted on 4 November 2010.

[4] *Ndindiliyimana et al.* ("Military II"); further explanation is provided in para. 9.

[5] *Nyiramasuhuko et al.* ("Butare"), *Karemera et al.*, *Bizimungu et al.*, *Nzabonimana* and *Ndahimana*. See paras. 9-12, 15 and 16.

[6] *Ngirabatware* and *Nizeyimana*. See paras. 14 and 17.

the third has been scheduled by the Chamber for delivery on 17 May 2011. The major challenge for the coming months remains the completion of the multi-accused cases that are in the judgement drafting phase.

6. The present report, however, shows that, despite difficulties, the measures taken by the Tribunal to improve pretrial and trial management practices have yielded significant results over the past few years in the single-accused cases and have reduced delays without compromising the rights of the accused.[7] They will continue to assist in completing the Tribunal's mandate in the near future.

1. Judgements (annex I.A)

7. On 6 December 2010, Trial Chamber II, composed of Judges Ramaroson, presiding, Hikmet and Masanche, rendered the oral judgement in the case of Ildephonse Hategekimana, the Commander of the Ngoma Military Camp. Hategekimana was convicted of genocide as well as murder and rape as crimes against humanity and was sentenced to life imprisonment. The accused was found not guilty of complicity in genocide. Over the course of 22 trial days, the Prosecution called 20 witnesses and tendered 51 exhibits. The Defence called 20 witnesses and tendered 25 exhibits over the course of 21 trial days. The parties filed their respective closing briefs on 1 February 2010. Closing arguments started on 26 April and concluded on 28 April 2010. The written judgement was filed on 14 February 2011.

8. On 8 November 2010, Trial Chamber III, composed of Judges Khan, presiding, Muthoga and Akay, heard closing arguments in the matter of *Prosecutor v. Jean-Baptiste Gatete*, a director in the Rwandan Ministry of Women and Family Affairs in 1994, and previously a bourgmestre of Murambi commune. The Chamber rendered judgement in the matter on 29 March 2011. It sentenced Gatete to life imprisonment for genocide and extermination as a crime against humanity. In all, 49 witnesses were heard over 30 trial days. The Chamber issued a decision in April 2011. Both the Prosecution and Defence filed notices of appeal on 3 May 2011.

2. Cases in judgement drafting phase (annex I.B)

9. The *Ndindiliyimana et al.* trial ("Military II") before a section of Trial Chamber II, composed of Judges de Silva, presiding, Hikmet and Park, commenced in September 2004 and closed on 26 June 2009. The judgement in this trial is scheduled to be delivered on 17 May 2011. The trial involves four former military leaders, Augustin Ndindiliyimana, Augustin Bizimungu, François Xavier-Nzuwonemeye and Innocent Sagahutu. During the course of 393 trial days, the Chamber heard 217 witnesses and admitted 977 exhibits. The Presiding Judge in the case has been working part time since June 2009. During the reporting period, the Chamber issued one order and one decision. During the same period, two judges of the bench were involved in the *Kanyarukiga* and *Hategekimana* trials. One of the judges is currently sitting in the *Nizeyimana* trial.

10. Another section of Trial Chamber II, composed of Judges Sekule, presiding, Ramaroson and Bossa, continues with deliberations and judgement drafting in the *Nyiramasuhuko et al.* trial ("Butare"), involving six accused: Pauline Nyiramasuhuko, Arsène Shalom Ntahobali, Sylvain Nsabimana, Alphonse

[7] See paras. 32-38 for further explanations.

Nteziryayo, Joseph Kanyabashi and Élie Ndayambaje. The trial lasted over 726 days, and 59 prosecution and 130 defence witnesses were heard. In the reporting period, the Chamber issued two decisions. Following the Chamber's order of 30 October 2009, a new amicus curiae report for alleged false testimony and contempt of court in relation to three witnesses has recently been filed and the decision on this matter is pending. Judgement is expected to be delivered by the end of the second quarter of 2011.

11. Another section of Trial Chamber II, composed of Judges Khan, presiding, Muthoga and Short, has continued the judgement drafting in the *Bizimungu et al.* case ("Government II") against four former ministers in the Interim Government (Casimir Bizimungu, Justin Mugenzi, Jérôme Bicamumpaka and Prosper Mugiraneza), installed after the assassination of the Rwandan President Juvénal Habyarimana. The trial spanned 404 trial days, during which 171 witnesses testified and over 8,000 pages of exhibits were entered into evidence. During the reporting period, the Chamber issued one written decision. The Chamber has delayed the projection of judgement delivery to the end of August 2011, owing in part to the significant obligations of two of the judges in finalizing the *Gatete* judgement, which was rendered at the end of March 2011, as well as the departure of the case's fourth judgement coordinator during the reporting period, which resulted in under-staffing for the latter part of 2010.

3. Case where evidence is completed and closing arguments will be heard soon (annex I.C)[2]

12. A section of Trial Chamber III, composed of Judges Byron, presiding, Kam and Joensen, continued hearing evidence in the *Karemera et al.* case, involving Édouard Karemera, former Minister of the Interior and Matthieu Ngirumpatse, former President of the Mouvement républicain national pour le développement. The Chamber heard the presentation of Matthieu Ngirumpatse's case, the last of the accused, from 23 August 2010 to 18 February 2011. During the present reporting period, the Chamber sat for 28 trial days. Taking Matthieu Ngirumpatse's health condition into consideration, the Chamber had been sitting for only two thirds of each trial day. During the reporting period, the bench issued 31 decisions and orders. The Chamber and the parties made a site visit to Rwanda during the week of 21 February 2011. The parties are scheduled to file their closing briefs on 2 June and the closing arguments scheduled to be heard from 22 August 2011. The judgement is expected to be delivered in December 2011. The Chamber, in parallel, has handled pretrial matters in the *Uwinkindi* case and has granted three requests from the Prosecution for preservation of evidence by special deposition pursuant to Rule 71 bis.

4. Ongoing trials (annex I.D)

13. Four single-accused cases are currently ongoing before the Trial Chambers.

14. A section of Trial Chamber II, composed of Judges Sekule, presiding, Bossa and Rajohnson, continued to hear evidence in the case against Augustin Ngirabatware, Minister of Planning in the Rwandan Government during 1994. The Defence case commenced on 16 November 2010. The accused testified for 23 trial days and completed his testimony on 14 February 2011. The Defence case is expected to be completed by 15 July 2011. During the reporting period, the

Chamber rendered 25 decisions and orders. Judgement delivery is now anticipated in the first quarter of 2012. In parallel with this case, Judge Sekule is presiding over the *Nyiramasuhuko et al.* case, Judge Bossa is presiding over the *Nzabonimana* case and sits on the bench in the *Nyiramasuhuko et al.* trial, and Judge Rajohnson sits on the bench in the *Nzabonimana* trial.

15. A section of Trial Chamber III, composed of Judges Bossa, presiding, Tuzmukhamedov and Rajohnson, is hearing evidence in the case against Callixte Nzabonimana, former Minister of Youth. The case opened on 9 November 2009. During the reporting period, the Trial Chamber heard nine Defence witnesses during its eighth trial session. The Trial Chamber issued 27 written decisions during the reporting period. The indictment includes 45 separate factual allegations against the accused, each alleging a serious crime. Judgement delivery is now expected in December 2011, owing to the delay in closure of the evidence phase of the trial in order to ensure that the accused has an opportunity to respond to each of the charges. Further, in parallel with this case, Judge Bossa sits on the bench in the "Butare" and *Ngirabatware* cases, Judge Rajohnson sits also on the *Ngirabatware* bench, and Judge Tuzmukhamedov is a member of the bench in the *Ndahimana* trial.

16. Another section of Trial Chamber III, composed of Judges Arrey, presiding, Tuzmukhamedov and Akay, is hearing evidence in the case against Grégoire Ndahimana, a former bourgmestre. The case opened on 6 September 2010. During the reporting period, the Trial Chamber issued nine written decisions. It also heard nine Prosecution witnesses and 24 Defence witnesses. Judgement is expected to be delivered in November 2011. Judge Tuzmukhamedov is also a member of the bench in the *Nzabonimana* trial and Judge Akay was also sitting on the *Gatete* trial. The evidence phase of the trial was scheduled to close in February 2011. This date has been postponed to 13 May 2011 to allow the accused to exercise his fair trial rights, and because of scheduling conflicts with other trials.

17. Another section of Trial Chamber III, composed of Judges Muthoga, presiding, Park and Fremr, is hearing evidence in the case against Ildéphonse Nizeyimana, former second-in-command in charge of intelligence and military operations at the École des sous-officiers during 1994. The Prosecution case commenced on 17 January and closed on 25 February 2011. During the reporting period, the Chamber heard the evidence of 38 Prosecution witnesses, marked the Prosecution case as closed and rendered 25 decisions. On 16 March 2011, the Chamber issued its decision on Defence motion for judgement of acquittal, in which the Chamber denied the motion. The Defence case commenced on 9 May and is expected to close in June 2011. Judgement delivery is anticipated in the first quarter of 2012.

5. Cases in pretrial phase (annex II)

18. During the reporting period, the Pre-Trial Chamber in the case of Jean Uwinkindi, composed of Judges Byron, presiding, Kam and Joensen, continued to work on pretrial matters. On 23 November 2010, the Chamber granted the Prosecution's request for leave to amend the indictment. On 1 December 2010, Uwinkindi had his further appearance before Judge Kam and pleaded not guilty to both counts in the amended indictment. The Pre-Trial Chamber rendered three other decisions, including one granting certification to appeal a prior decision on alleged defects in the indictment. A separate bench, composed of Judges Arrey, presiding,

Short and Fremr, is handling the Prosecutor's application for referral of this case to the courts of Rwanda.

B. Activities of the Appeals Chamber

19. As of 12 May 2011, appellate proceedings have been concluded in respect of 35 persons. Since the issuance of the previous report in November 2010 (S/2011/574), the Appeals Chamber has delivered two appeal judgements, in the cases of *Muvunyi* and *Renzaho*. The Appeals Chamber also rendered four decisions on interlocutory appeals, five decisions concerning post-appeal requests, and 67 pre-appeal orders and decisions.

20. A further five appeal judgements are expected to be delivered in 2011, three appeal judgements are to be delivered in 2012, five appeals are expected to be disposed of by the end of 2013, and the remaining three appeal judgements will be delivered in 2014.

21. In its judgement of 1 April 2011, the Appeals Chamber affirmed Tharcisse Muvunyi's conviction for direct and public incitement to commit genocide and affirmed his sentence of 15 years of imprisonment.

22. On the same day, the Appeals Chamber affirmed Tharcisse Renzaho's sentence of life imprisonment. The Appeals Chamber affirmed Renzaho's convictions for genocide, murder as a crime against humanity and as a serious violation of article 3 common to the Geneva Conventions and of Additional Protocol II thereto, while reversing two of his convictions.

23. The Appeals Chamber is presently seized of eight appeals from judgement.

24. The *Bagosora et al.* trial judgement was pronounced on 18 December 2008 and issued in writing on 9 February 2009. Théoneste Bagosora, Aloys Ntabakuze and Anatole Nsengiyumva appealed. The briefing in respect of the appeals was completed at the end of July 2010 and the appeals were scheduled to be heard from 30 March to 1 April 2011. The appeals of Bagosora and Nsengiyumva were heard as scheduled and deliberations and judgement drafting are now in progress. Owing to the unavailability of Ntabakuze's counsel to present his appeal at the scheduled time, the Appeals Chamber severed his case from that of his co-appellants. Ntabakuze's appeal, which is ready for hearing, will be heard as soon as pending counsel issues are resolved.

25. The trial judgement in the *Setako* case was rendered on 25 February and issued in writing on 1 March 2010. Both parties filed notices of appeal and the briefing was completed in November 2010. The appeals were heard on 29 March 2011 and deliberations and judgement drafting are in progress.

26. The trial judgement in the *Munyakazi* case was rendered on 30 June and issued in writing on 5 July 2010. Both parties filed notices of appeal and the briefing was completed in January 2011. The appeals were heard on 28 March 2011 and deliberations and judgement drafting are in progress.

27. The trial judgement in the *Ntawukulilyayo* case was rendered on 3 August and issued in writing on 6 August 2010. Dominique Ntawukulilyayo filed his notice of appeal on 6 September 2010 and the briefing was completed in March 2011. The appeal is presently being prepared for a hearing.

28. The trial judgement in the *Kanyarukiga* case was rendered on 1 November and issued in writing on 9 November 2010. Both parties filed notices of appeal in December 2010 and the briefing is in progress.

29. The trial judgement in the *Hategekimana* case was rendered on 6 December 2010 and issued in writing on 14 February 2011. Ildephonse Hategekimana filed his notice of appeal on 16 March 2011 and the briefing is in progress.

30. The trial judgement in the *Gatete* case was rendered on 29 March and issued in writing on 31 March 2011. Both parties filed notices of appeal on 3 May 2011 and the briefing is in progress.

II. Measures implementing the completion strategy

31. The present section supplements prior reports and highlights essential elements of the Tribunal's efforts to comply with its completion strategy.

A. Judicial calendar and management of proceedings

32. As detailed above, the remaining workload for 2011 and 2012, including the completion of trials and delivery of judgements in eight cases involving 20 accused, is substantial. Using the experience gained through continued efforts to further improve pretrial and trial management as well as the judgement drafting process, reducing the time between initial appearance and judgement delivery while maintaining fair trial rights and the quality of judgements continues to be a priority.

33. Each year, the Tribunal continues to face new, unexpected challenges and, in order to overcome them, continues to be innovative in crafting solutions to ensure that delay is minimized at all possible stages of cases. Even in the midst of downsizing at the Tribunal, the efficient use of time and resources continues to play a key role in meeting goals for timely judgement delivery.

34. Examining the completion strategy efforts since 2007, it is clear that some ambitious time standards were set for the Chambers. Although many factors have affected both the Tribunal overall and individual cases and have caused delays, the majority of trials begun after 2007 have met or come very close to meeting the benchmarks set, particularly with respect to length of cases and judgement delivery time.

35. In the 11 trials started since 2007, the average length of the Prosecution's case was, with the exception of only four, 29 days.[8] In the same 11 cases for which, save for only two, the Defence phase is complete, the average length of the Defence case was 25 days.[9] An example of this is the only trial which commenced during the reporting period, that of Ildéphonse Nizeyimana. Despite significant staffing issues, it is the most recent evidence of good use of trial management practices developed through the Tribunal's experience. In that trial, the Prosecution case finished very close to within four weeks. Another target was delivery of judgement within eight months from the close of the Defence case. Of the eight judgements delivered in

[8] *Gatete*, *Hategekimana*, *Kanyarukiga*, *Munyakazi*, *Muvunyi* (retrial), *Ntawukulilyayo* and *Nizeyimana*.

[9] *Gatete*, *Kanyarukiga*, *Munyakazi*, *Muvunyi* (retrial) and *Setako*.

post-2007 cases, the average for judgement delivery was 7.71 months from the close of Defence, excluding only one case.[10]

36. Further, during the reporting period, two single accused trial judgements were delivered on or before the date projected in the previous report on the completion strategy,[11] and the Trial Chambers are preparing for the delivery of two multi-accused judgements, in line with or close to their most recent projections in the coming weeks.[12] This stands as further proof that increased efforts to improve the management of trial and judgement drafting have had some impact.

37. Numerous judicial functions will become the responsibility of the International Residual Mechanism for Criminal Tribunals. For many of these, the transition has already begun and is expected to be completed by July 2012. There is, however, still much work that must be completed by the Tribunal prior to its closure in order for the Residual Mechanism to be a small, efficient institution. This includes working with the International Tribunal for the Former Yugoslavia to provide input to the Office of Legal Affairs on the drafting of the rules of procedure and evidence for the Residual Mechanism, developing budget and staffing requirements, along with the judicial work that remains with respect to the possible transfer of cases to national jurisdictions, preservation of evidence hearings, review of witness protection orders, and possible cases of contempt.

38. The following work is planned for completion prior to closure of the Tribunal in order to ensure that the Residual Mechanism is a small, efficient institution:

(a) As detailed in the previous section, the Trial Chambers are currently considering motions under Rule 11 bis for the referral of three cases to Rwanda. Of these, one of the accused is in custody and the other two are fugitives. Any fugitives arrested prior to 1 July 2011 would need to be tried before the Tribunal; this would necessarily mean increased pressure on already strained resources;

(b) Preparations are under way for three evidence preservation hearings pursuant to Rule 71 bis, which are scheduled to begin in May and September 2011. Further, there are a minimum of 508 witness protection orders which must be reviewed so that the Residual Mechanism is not unnecessarily tasked with continuing to monitor protected witnesses who no longer need protection;

(c) Finally, it is projected that the Tribunal will have multiple contempt trials which must be heard prior to its closure. Based upon current projections, three contempt cases are anticipated to begin in 2012.

39. It is essential that the Tribunal have an adequate number of judges and legal staff during its time remaining so that it may complete all necessary work within current projections.

[10] *Gatete*, *Kanyarukiga*, *Munyakazi*, *Muvunyi*, *Ntawukulilyayo* and *Setako*.

[11] *Hategekimana* and *Gatete*.

[12] "Military II" is scheduled for delivery on 17 May 2011 and "Butare" is projected for 30 June 2011.

B. Judges and staff management

1. Judges

40. Currently, 6 permanent judges and 11 ad litem judges are serving at the Tribunal. Permanent Judge de Silva continues to work part time while completing his assignments.

41. One permanent and one ad litem judge will demit office at the end of May when the "Military II" judgement is delivered. Another permanent judge and an ad litem judge will demit office when the *Karemera et al.* and *Bizimungu et al.* judgements are delivered. This leaves four permanent judges and nine ad litem judges. All four permanent judges are assigned to the Appeals Chamber after the completion of their cases. In these circumstances, without some adjustment to the governing rules which require that the Office of President be held by a permanent judge of the Trial Chambers, there is no one eligible to hold office as of early 2012. The Tribunal has therefore asked that the Security Council approve its request that an ad litem judge may be elected Vice-President with provision to become President on the deployment of the President to the Appeals Chamber or, alternatively, allow the President to be a member of the Appeals Chamber.

42. The Tribunal takes note of General Assembly resolution 65/258, concerning the terms and conditions of service of the ad litem judges serving at the ad hoc Tribunals and by which it granted a one-time ex gratia payment to those who have been in full-time uninterrupted service for longer than three years. The Tribunal expresses its thanks to the General Assembly for its efforts in this regard.

43. The Tribunal also takes note of Security Council resolution 1955 (2010), by which the Council extended the terms of office for one permanent and two ad litem judges until the completion of their cases. One of these ad litem judges has completed his work, and the two other judges will deliver their judgement in May 2011. The Security Council, in that resolution, also temporarily raised the maximum number of ad litem judges allowed to serve at the Tribunal at any one time to 12 during 2011, but stated that it must return to a maximum of 9 by the end of 2011. In the light of these requirements, the number of ad litem judges will be reduced to fewer than nine by the end of 2011.

2. Staff management and budget

44. Internal efforts have improved the staff retention rate during the reporting period. However, the Tribunal continues to experience the difficulties described in extenso in past reports concerning staff retention and recruitment. As described in the present report, the Tribunal continues to face an increased workload without adequate additional staffing resources. This has added pressure on the remaining staff whose workload has also increased as a consequence of downsizing. Moreover, the staff remaining face uncertainties with respect to the length of time for which their services will continue to be required. For these reasons, the Tribunal continues to experience concerns about its ability to meet the goals of the completion strategy unless the staffing situation is improved.

45. The Tribunal is currently preparing its budget submission and assisting in the preparation of the budget for the Residual Mechanism for the biennium 2012-2013. The continued uncertainty with regard to the judicial calendar and, in particular,

accurately establishing the caseload of the Residual Mechanism during that biennium continue to present a major challenge for the administration and its assessment of the exact level of resources required by the two entities in the course of the forthcoming biennium. In particular, the identification of the resources necessary for the Residual Mechanism, entailing the performance of two roles, in coordination with the International Tribunal for the Former Yugoslavia and the Office of Legal Affairs, together with the different starting dates for the two branches of the Mechanism, is posing a formidable challenge.

46. The present heavy workload continues to be compounded by the difficulties in a continuing high staff turnover, recruitment and retention of staff, the administrative burden of processing repeated extensions of short-term contracts and the related debilitating effect on staff morale and productivity.

C. Work of the Office of the Prosecutor

47. During the reporting period, the work of the Office of the Prosecutor was commensurate with the heavy workload in Chambers. In view of the forthcoming closure of the Tribunal and its replacement by a branch of the Residual Mechanism by July 2012, as required by the Security Council in resolution 1966 (2010), the Office of the Prosecutor has been planning and executing its work around the new reality by dealing with such factors as: specific transitional arrangements to the Residual Mechanism and consultations with the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia; financial issues, staff resources and archive security matters; conclusion of trials and submission of appeals by the end of 2013; and management of Rule 11 bis and Rule 71 bis proceedings within the time frame of the completion strategy.

1. Workload

48. In addition to continuing with the ongoing trials of five accused in the four cases referred to in section I, the Prosecution Division of the Office of the Prosecutor on 17 January 2011 commenced the trial in the case of *Nizeyimana*, which is expected to close in the third quarter of 2011. In preparation for the transfer of cases to Rwanda or other national jurisdictions and as a key pillar of the Prosecutor's efforts to meet the completion strategy targets, the Office of the Prosecutor filed on 4 November 2010 three applications under Rule 11 bis seeking the referral to Rwanda of the cases of *Uwinkindi* (see para. 50), *Sikubwabo* and *Kayishema*. The adjudication of the three applications is still pending before the Trial Chambers. Their success will, it is hoped, open the way for the referral of other cases to Rwanda, thus assisting the Tribunal in taking another important step towards closure. If, however, the applications are not successful, it will result in an increase in the trial work that the Tribunal must complete before handing over to the Residual Mechanism as the *Uwinkindi* case would then have to be tried by the Tribunal. Two other cases (concerning Laurent Bucyibaruta and Wenceslas Munyeshyaka), referred on 20 November 2007 to France for trial under Rule 11 bis, remain with the French judiciary. In March and again in April 2011, the Prosecutor undertook missions to Paris to assess the progress made in those two cases. The Office of the Prosecutor is also responsible for the preparation of depositions for the preservation of evidence under Rule 71 bis in respect of the 10 fugitive indictees still at large. The three key fugitives (Félicien Kabuga, Protais Mpiranya and Augustin Bizimana) are earmarked for trial by the Tribunal or the Residual

Mechanism, depending on the date of arrest. Their files have been reviewed and indictments amended in anticipation of the preservation of evidence hearings under Rule 71 bis, scheduled before the end of 2011. The continuation of these cases includes further intensive investigation, identification and preparation of witnesses and case materials.

49. The other responsibilities of the Prosecution Division include supervision of the Investigation Section and Information and Evidence Service Section, and the coordination of and timely response to all requests for cooperation from the national prosecution authorities of Member States. The Investigation Unit continued to support trial and appeal activities, while its tracking team concentrated on the fugitive indictees. A small increase of temporary staff in the Investigation Unit is expected to reduce the escalated burden on the Unit. The Information and Evidence Service Section has been carrying out a merger of the Document Control Unit and the Archiving Unit into a single Document Control and Archiving Unit in order to deal more effectively with the documentation of the Office of the Prosecutor and archiving matters with a view towards the takeover by the Residual Mechanism. During the reporting period, there has been a significant increase in research activity for the Appeals Division. The mandate of the Division has meant a continued increase in its workload as it grapples with the challenge of providing reliable information from the trial teams to the appeals teams in the discharge of their functions.

50. During the reporting period, the Appeals and Legal Advisory Division has been attending, inter alia, to Rule 11 bis litigation following the Prosecutor's requests for referral of the cases of *Uwinkindi*, *Kayishema* and *Sikubwabo* to Rwanda for trial. The workload of the Division during this period has included 12 cases involving 20 separate appeals. The cases on appeal include *Bagosora et al.* (three Defence appeals), *Gatete* (one Prosecution and one Defence appeal), *Hategekimana* (one Defence appeal), *Kanyarukiga* (one Prosecution and one Defence appeal), *Nshogoza* (one Defence appeal from a contempt proceeding), *Rukundo* (one Prosecution and one Defence appeal), *Renzaho* (one Defence appeal), *Muvunyi* (one Prosecution and one Defence appeal), *Setako* (one Prosecution and one Defence appeal), *Munyakazi* (one Prosecution and one Defence appeal), *Ntawukulilyayo* (one Defence appeal) and *Nsengimana* (one Prosecution appeal on contempt). The Appeals and Legal Advisory Division has also worked on post-appeal proceedings, including requests for review, in five cases: *Kamuhanda*, *Karera*, *Rutaganda*, *Niyitegeka* and *Ndindabahizi*. The Division has prepared four legal advisories. It has also prepared and filed three appellant's or reply briefs (in *Kanyarukiga*, *Setako* and *Munyakazi*) and four respondent's briefs (in *Ntawukulilyayao*, *Kanyarukiga*, *Nshogoza* and *Munyakazi*) and is currently preparing two additional respondent's briefs (in *Gatete* and *Hategekimana*), as well as one appellant's brief (in *Gatete*). In addition, during the reporting period, the Division filed approximately 10 interlocutory applications and/or responses (including in post-appeal proceedings) before the Trial Chambers and Appeals Chamber, and expects to file several additional interlocutory applications and/or responses in the coming months as trials continue. Prosecutors of the Division also presented oral arguments before the Appeals Chamber in three cases involving four accused (*Bagosora et. al*, *Munyakazi* and *Setako*) and received Appeals Chamber judgements in three cases (*Nsengimana*, *Muvunyi* and *Renzaho*). At the same time, attorneys of the Division have been preparing for appeals in connection with three

multi-accused cases, involving 28 potential appeals ("Military II", "Butare" and "Government II"). Trial Chamber judgements in these cases are anticipated in May or June 2011.

51. In order to ensure a proper and smooth handover to the Residual Mechanism, reducing its workload and maintaining the integrity of the cases completed so far, the Prosecutor has also embarked upon the process of preparation of all of the files of the fugitives at large up to the pretrial brief stage. This will ensure that the Residual Mechanism, with its limited staff capacity in the Office of the Prosecutor, is nevertheless fully briefed on each of the case files and can start immediately upon the arrest of a fugitive with an application for transfer under Rule 11 bis, an evidence preservation proceeding under Rule 71 bis, or the trial itself. There is a high probability that the Residual Mechanism will have to take such action quickly if a fugitive is arrested between 1 July 2011 and 30 June 2012.

2. Cooperation of the Office of the Prosecutor with Member States

52. Requests for mutual legal assistance from national prosecuting authorities underscore the growing appreciation by Member States of the fight against impunity. The continuous support by the Tribunal for such national efforts strengthens its legacy and ultimate objective to support and build the institutions of international law through the principle of complementarity. With the adoption by the Residual Mechanism of the function of mutual legal assistance under its mandate, the Office of the Prosecutor has begun preparations for the establishment of a dedicated, efficient and experienced response mechanism for such requests that would be quickly transferred to the Residual Mechanism's jurisdiction on 1 July 2012.

53. The number of requests for mutual legal assistance from national prosecuting authorities of Member States has grown and is expected to continue to do so in the forthcoming years. During the reporting period, the Office of the Prosecutor processed 53 requests for mutual legal assistance from 24 Member States.

54. Efforts at tracking the remaining 10 fugitives continue, with a focus on the Democratic Republic of the Congo, the Southern African region and neighbouring countries. The Prosecutor is in the process of making efforts to visit the Democratic Republic of the Congo once again to seek support at the highest levels for the efforts of the Office to track the fugitives in that country. Cooperation with and support from the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) has also intensified in this regard. The support of the Democratic Republic of the Congo, Kenya and the rest of the international community towards the tracking and arrest of the fugitives would substantially assist the Prosecutor in meeting the completion strategy targets.

55. While the Prosecutor's mission to Kenya in November 2010 brought promised renewed cooperation from the Kenyan authorities, the reconstituted joint task force has yet to make effective progress as it awaits a preliminary report from them. The main issues revolve around relevant and credible information on Félicien Kabuga's alleged departure from Kenya and the investigation and sequestering of his assets in the country.

56. The Prosecutor continues to seek due diligence from Kenya in the discharge of its international obligations under the statute and Rules of Procedure and Evidence of the Tribunal.

57. The Prosecutor also undertook a mission to France, Finland, Germany and Sweden in an effort to seek support for tracking of the fugitives and the transfer of their files for the purpose of trial within national jurisdictions.

3. Staffing

58. Adequate staffing continues to be of serious concern to the Office of the Prosecutor, especially in regard to meeting the completion strategy targets and ensuring the adequate preparation of files of fugitives for handover to the Residual Mechanism.

D. Cooperation between Member States and the Tribunal

59. Efficient cooperation with Member States remains a cornerstone of the Tribunal's success in fulfilling its mandate. This relates in particular to ensuring the arrest of the remaining fugitives, the possible referral of cases to national jurisdictions, the transfer of convicts for the enforcement of their sentence, and the relocation of acquitted persons and persons who have served their sentence.

60. The report on the work of the Office of the Prosecutor (see sect. C) highlights close cooperation with regard to the arrest of fugitive indictees, preparation of referrals to national jurisdictions and assistance to national prosecuting authorities.

61. The Registrar continues to deploy all efforts to find host countries for the three acquitted persons who remain in a safe house in Arusha under the Tribunal's protection. For one of those individuals, it has been four years since the confirmation of his acquittal by the Appeals Chamber. The challenge to relocation is the unfortunate result of the absence of a formal mechanism to secure the support of Member States to accept these persons within their territories. The statute of the Tribunal is silent in this respect and the cooperation of Member States, as required by article 28 of the statute, does not extend to the relocation of acquitted persons. The Tribunal considers the resettlement of persons acquitted by an international criminal tribunal to be a fundamental expression of the rule of law and is concerned about the consequences of failure to fulfil this obligation. In the light of the imminent closure of the Tribunal, the insufficient level of cooperation volunteered by Member States, the human rights implications of the delayed relocation of acquitted persons and in spite of the assistance rendered by the Office of the United Nations High Commissioner for Refugees, the Tribunal has no other choice but to call upon the assistance of the Security Council in finding a sustainable solution to this issue.

E. Outreach and capacity-building

62. The Tribunal has continued to improve awareness of its work through its outreach programme in showcasing, disseminating and sensitizing the people of the Great Lakes region and visitors to the offices of the Tribunal in Rwanda and the United Republic of Tanzania about its achievements and challenges in the

implementation of its completion strategy. In this regard, the Tribunal welcomed to its seat more than 1,700 visitors, including 120 officials from various national Governments, United Nations agencies and academia.

63. The Tribunal's information and documentation centres scattered across Rwanda remain the flagship initiative of its outreach programme in the country. Their activities are intensifying as part of the Tribunal's completion strategy and legacy. The main centre in Kigali, the Umusanzu Centre, alone receives approximately 100 visitors per day. Representatives from the Umusanzu Centre were invited to make a presentation at a training programme for 100 librarians in Rwanda, organized by the Kigali Institute of Science and Technology.

64. From 4 to 12 April 2011, representatives of the Umusanzu Centre were invited by the National Commission for the Fight against Genocide and the Gisozi Memorial Centre to participate in the genocide commemorative exhibition to mark the seventeenth anniversary of the Rwandan genocide, held at the National Gymnasium. This was the first time a national event of this nature had been organized and among the panels displayed by the Tribunal were drawings and essays by student winners of the youth competition conducted for schools within the East African Community in 2010.

65. On 28 and 29 April 2011, the Umusanzu Centre organized an exhibition of the same panels from the 2010 youth competition in Southern Province, Rwanda. All of the schools from Huye district, Southern Province, which participated in the 2010 youth competition were invited to the exhibition, which culminated in an official ceremony during which prizes were handed over to the winning schools.

66. As part of the Tribunal's mandate project, funded by the European Union, many activities have been undertaken, such as the fellowship programme for Rwandan law students, which provides opportunities for these students to conduct legal research at the Tribunal during the preparation of their final thesis. In September and October 2010, eight students from the National University of Rwanda undertook a 32-day research project at the Tribunal's office in Arusha, under the supervision of staff members.

67. In recent years, the International Criminal Tribunal for Rwanda has established a fruitful framework of cooperation with Rwandan legal institutions in the area of capacity-building. In this context, the Legal Library and Reference Section, in collaboration with the External Relations and Strategic Planning Section, has sensitized six academic and research institution stakeholders (lecturers, dean of faculty, vice-rectors and rectors) on the role of open-access initiatives, including the opportunity to access, free of charge, electronic resources available for developing countries. During these workshops, the Library Section has also disseminated the jurisprudence of the Tribunal to the Rwandan university community.

68. The Legal Library and Reference Section also organized two training-of-trainers sessions on Internet legal research methodology, in collaboration with the Rwandan Institute of Legal Practice and Development. The sessions allowed 30 lawyers, members of the Kigali Bar Association, to be trained as trainers with the aim of their sustaining the capacity-building programme in online legal research even after the completion of the Tribunal's mandate.

69. The Legal Library of the Tribunal also released the 2010 version of the DVD and CD-ROM of basic documents and case law. These tools are periodic copies of

the online version of the database available at www.ictrcaselaw.org. The DVD and CD-ROM will be disseminated throughout the world, with a special emphasis on Rwanda.

F. Residual Mechanism

70. The International Criminal Tribunal for Rwanda has continued its work on the recommendations contained in the report of the Secretary-General on the administrative and budgetary aspects of the options for possible locations for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the residual mechanism(s) for the Tribunals (see S/2009/258, para. 250).

71. The Tribunal also began its work towards the implementation of Security Council resolution 1966 (2010), by which the Residual Mechanism was created. The commencement of this task was facilitated by the previous work conducted by the Tribunal's Legacy Committee which has been analysing and preparing for residual matters for a number of years.

72. The Tribunal is working closely with the Office of Legal Affairs and the International Tribunal for the Former Yugoslavia to implement resolution 1966 (2010). The two Tribunals consider that the transition to the Residual Mechanism requires extensive work by a number of actors under challenging deadlines. To coordinate the numerous activities and the many stakeholders necessary for the setting up of the Residual Mechanism, the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia have developed a joint action plan.

73. In addition, the Prosecutor of the International Criminal Tribunal for Rwanda and senior staff of his Office had fruitful discussions with the Prosecutor of the International Tribunal for the Former Yugoslavia and senior staff of his Office in Arusha in March 2011 in an effort to harmonize joint action in the preparations for the Residual Mechanism. The joint plan of action agreed upon by the two groups will be integrated into a broader joint action plan.

74. Among the pressing activities detailed in the joint action plan, the most urgent is the preparation of the budget for the Residual Mechanism. Working in coordination, the Tribunals have commenced the budget preparation to ensure the submission of the budget proposal by May 2011.

75. Another pressing concern is the drafting of the rules of procedure and evidence of the Residual Mechanism. This task is being led by Office of Legal Affairs. The Tribunals have been requested to review the first draft of the rules of procedure and evidence generated by the Office of Legal Affairs and to provide a joint set of comments thereon. This review is ongoing in both of the Tribunals.

76. In preparation for the handover of protected witness files to the Residual Mechanism, the International Criminal Tribunal for Rwanda has been considering ways to review witness protection orders with a view to withdrawing or varying those that are no longer necessary. Preliminary research has focused on those witness protection orders which present a likelihood of possibility for variation or lifting, and the Tribunal is in the process of contacting the witnesses identified to enquire about their willingness to have their protection waived. A first report

relating to deceased protected witnesses in completed cases has been submitted to the Office of the President for consideration. The Prosecutor, in the meantime, continues to make applications for variation of witness protection orders in the context of mutual legal assistance with Member States (see para. 52).

77. Also envisaged in the joint action plan is the review of all agreements of the Tribunal with Member States and other international bodies, as well as contracts with private entities with the view of determining their fate after the closure of the Tribunal. The Office of the Prosecutor is finalizing the compilation of agreements and memorandums of understanding pertaining to confidential materials, witness protection and other areas of cooperation. As for the Registry, all agreements and memorandums of understanding that the Tribunal has entered into are being compiled and analysed with a view to determining which need to be amended to suit the requirements of the Residual Mechanism. The exercise has so far revealed that the host country agreement with the United Republic of Tanzania, the agreement with the United Republic of Tanzania on the United Nations detention facility and the memorandum of understanding with Rwanda regulating the business of the Tribunal's Office in Kigali will require amendment to enable the Residual Mechanism to take over from the Tribunal. The proposed language to be adopted for the transition has been prepared and will be submitted to Office of Legal Affairs for clearance and further action.

78. The 10 provincial information and documentation centres opened throughout Rwanda in 2009 to facilitate public access to documents of the Tribunal already have copies of some of the Tribunal's public records. A proposal for the transfer of the public judicial records of the Tribunal to those centres has been developed. The proposal provides detailed information regarding the type, quantity and scope of the records and the resource requirements for their transfer and maintenance. In developing the proposal, it was found that the main information centre in Kigali would have the capacity to accommodate the hard copies of all public records of the Tribunal.

79. The International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia have identified the steps necessary to ensure the preparation and transfer of their records to the Residual Mechanism. Among other required activities, the two Tribunals have been working to develop retention, access and security policies. The Archives and Records Management Working Group of the International Criminal Tribunal for Rwanda, which covers all areas of its work, has submitted a draft retention schedule for the substantive records of the Tribunal to the Archives and Records Management Section for further review. As agreed during the meeting of the Working Group on a joint archives strategy, held in February 2011, the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia are in the process of drafting an access and security policy for the records of the two Tribunals and the Residual Mechanism, to be submitted to Office of Legal Affairs for further review.

80. The remainder of the archiving activities of the Tribunal are ongoing and progress has been made. A summary of the progress made as of 12 May 2011 is as follows:

(a) *Arrangement and verification of the original judicial records.* The arrangement of the original paper-based transcripts and exhibits and case file documents has been completed. The appraisal of all judicial records maintained by

the Appeals Office in The Hague has been completed, and the appropriate disposal and transfer of those records is under way. The verification of the hard copy transcripts against the electronic versions has been completed for all 18,700 original transcripts created to date. The verification of the redacted transcripts has commenced: redacted transcripts of 12 cases have been verified and verification of an additional 6 case transcripts is in progress, with approximately 20 per cent of all such transcripts verified to date;

(b) *Digitization and redaction of the audio-visual material.* The digitization of the most at-risk audio-visual master recordings of the court proceedings was completed in March 2010; all master audio materials have been digitized in accordance with archival best practice principles. The redaction of the audio recordings is under way. Approximately 1,400 hours of redacted audio material have been generated to date, and 2,700 hours of proceedings have been reviewed and marked for redaction. The migration of the video tapes to file-based, preservation quality carriers is under way, with 12,400 hours of digital video material generated to date;

(c) *Migration to a compliant electronic records management system.* Work is currently under way to upgrade the TRIM records management system to the most recent version (version 7.0). The software has been installed, the server has been configured and the migration of the judicial records data set has commenced with the closed cases. To date, the records of 56 cases (83,500 records) have been successfully migrated. Upon completion of the migration of the judicial records data set, the other four TRIM data sets will be migrated and user work stations will be upgraded and configured;

(d) *Processing and scanning of administrative records.* The sorting, processing, scanning and data entry of the administrative records has been hampered owing to staff movements within the unit. To date, 14,800 records have been entered in the TRIM database. In addition, the TRIM database has now been installed in the Kigali office of the Tribunal, and a fully functioning archiving structure has been established which operates in accordance with the archiving of the administrative records under way in the Arusha office;

(e) *Processing and scanning of records of the Office of the Prosecutor.* The archives project of the Office, which is being conducted in both Arusha and Kigali, has progressed according to schedule. To date, over 6,000 binders, containing over 1.5 million pages, have been cleaned and sorted, and 19,000 records, representing approximately 675,000 pages, have been entered into the electronic record system.

III. Conclusion and updated prognosis regarding the implementation of the completion strategy

81. The International Criminal Tribunal for Rwanda remains committed to completing the vast majority of its current trial workload before the end of 2011, with a small volume to be wrapped up in the first half of 2012 and appeals to be completed in 2014.

82. As anticipated, during the present reporting period there was an increased workload, including preparations for Rule 71 bis evidence preservation hearings, consideration of Rule 11 bis referral applications, and planning for the Residual

Mechanism. Despite this increase in work without increased resources, many of the projections made in the previous report on the completion strategy were met during the current reporting period. While staff retention efforts yielded some successes during the reporting period, it is important to emphasize the necessity that the Tribunal maintain its current staffing levels, particularly in Chambers and the Office of the Prosecutor. This is crucial to ensure the timely completion of all of the remaining work. The Tribunal therefore takes note of Security Council resolution 1955 (2010), in which the Council called upon the Secretariat and other relevant bodies to continue to work with the Registrar in order to find practicable solutions to address the issue of staff retention, and reiterates the importance of finding solutions in an expeditious manner. The Tribunal expresses its thanks to the Security Council for its efforts. The Tribunal also expresses its thanks to its staff for their determined efforts in difficult circumstances. Before the end of 2011, the Tribunal expects the delivery of judgements in four multi-accused and two more single-accused cases at the trial level and in five further appeals. The workload will be further increased by Rule 11 bis applications, requests for evidence preservation hearings under Rule 71 bis and contempt procedures.

83. In the same way that the jurisprudence of the Tribunals set a precedent for international criminal justice, we express the hope that our efforts to meet the goals of the completion strategy may also guide the closing of future tribunals. As the Tribunal has gained experience, delays have been reduced and the effectiveness with which the completion strategy has been approached has increased. The lessons learned from the Tribunal's efforts to implement a completion strategy must be shared with other institutions embarking on such endeavours, so that difficulties can be minimized and best practices maintained and implemented.

84. The Tribunal has been engaged in work directly related to the Rwandan genocide for more than 17 years. The genocide has greatly affected everyone at the Tribunal and seeking justice for the victims continues to drive our commitment to ensuring that never again will such atrocities occur. As the Tribunal's mandate draws to a close, we express the hope that our work will lead the way in the continued fight against impunity.

Annex I.A

Trial judgements delivered as of 12 May 2011: 47 judgements concerning 56 accused

Case	*Name*	*Former title or position*	*Date of initial appearance*	*Trial Chamber*	*Judgement*
1	J.-P. Akayesu	Bourgmestre of Taba	30 May 1996	I	2 September 1998
2	J. Kambanda	Prime Minister	1 May 1998	I	4 September 1998 (guilty plea)
3	O. Serushago	Businessman, Interahamwe leader	14 December 1998	I	5 February 1999 (guilty plea)
4	C. Kayishema	Prefect of Kibuye	31 May 1996	II	21 May 1999 (joinder)
	O. Ruzindana	Businessman	29 October 1996		
5	G. Rutaganda	Businessman, Second Vice-President of Interahamwe	30 May 1996	I	6 December 1999
6	A. Musema	Businessman	18 November 1997	I	27 January 2000
7	G. Ruggiu	Journalist, Radio-télévision libre des mille collines	24 October 1997	I	1 June 2000 (guilty plea)
8	I. Bagilishema	Bourgmestre of Mabanza	1 April 1999	I	7 June 2001
9	G. Ntakirutimana	Doctor	2 December 1996	I	21 February 2003 (joinder)
	E. Ntakirutimana	Pastor	31 March 2000		
10	L. Semanza	Bourgmestre of Bicumbi	16 February 1998	III	15 May 2003
11	E. Niyitegeka	Minister of Information	15 April 1999	I	15 May 2003
12	J. Kajelijeli	Bourgmestre of Mukingo	19 April 1999	II	1 December 2003
13	F. Nahimana	Director, Radio-télévision libre des mille collines	19 February 1997	I	"Media" case (joinder) 3 December 2003
	H. Ngeze	Editor, *Kangura*	19 November 1997		
	J.-B. Barayagwiza	Director, Ministry of Foreign Affairs	23 February 1998		
14	J. Kamuhanda	Minister of Culture and Education	24 March 2000	II	22 January 2004
15	A. Ntagerura	Minister of Transport	20 February 1997	III	"Cyangugu" case (joinder) 25 February 2004
	E. Bagambiki	Prefect of Cyangugu	19 April 1999		
	S. Imanishimwe	Lieutenant, Forces armées rwandaises	27 November 1997		

Case	*Name*	*Former title or position*	*Date of initial appearance*	*Trial Chamber*	*Judgement*
16	S. Gacumbitsi	Bourgmestre of Rusumo	20 June 2001	III	17 June 2004
17	E. Ndindabahizi	Minister of Finance	19 October 2001	I	15 July 2004
18	V. Rutaganira	Councillor of Mubuga	26 March 2002	III	14 March 2005 (guilty plea)
19	M. Muhimana	Councillor of Gishyita	24 November 1999	III	28 April 2005
20	A. Simba	Lieutenant-Colonel, Forces armées rwandaises	18 March 2002	I	13 December 2005
21	P. Bisengimana	Bourgmestre of Gikoro	18 March 2002	II	13 April 2006 (guilty plea)
22	J. Serugendo	Technical Director, Radio-télévision libre des mille collines	30 September 2005	I	12 June 2006 (guilty plea)
23	J. Mpambara	Bourgmestre of Rukara	8 August 2001	I	12 September 2006
24	T. Muvunyi	Interim Commander, École des sous-officiers	8 November 2000	II	12 September 2006
25	A. Rwamakuba	Minister of Education	7 April 1999	III	20 September 2006
26	A. Seromba	Priest, Kivumu Commune	8 February 2002	III	13 December 2006
27	J. Nzabirinda	Youth organizer	27 March 2002	II	23 February 2007 (guilty plea)
28	J. Rugambarara	Bourgmestre of Bicumbi	15 August 2003	II	16 November 2007 (guilty plea)
29	GAA	Witness before the Tribunal	10 August 2007	III	4 December 2007 (contempt of Tribunal)
30	F. Karera	Prefect of Kigali	26 October 2001	I	7 December 2007
31	S. Nchamihigo	Deputy Prosecutor of Cyangugu	29 June 2001	III	24 September 2008
32	S. Bikindi	Musician	4 April 2002	III	2 December 2008
33	P. Zigiranyirazo	Businessman	10 October 2001	III	18 December 2008

Case	*Name*	*Former title or position*	*Date of initial appearance*	*Trial Chamber*	*Judgement*
34	T. Bagosora	Director of Cabinet, Ministry of Defence	20 February 1997	I	"Military I" case (joinder) 18 December 2008
	G. Kabiligi	Brigadier-General, Forces armées rwandaises	17 February 1998		
	A. Ntabakuze	Battalion Commander, Forces armées rwandaises	24 October 1997		
	A. Nsengiyumva	Lieutenant-Colonel, Forces armées rwandaises	19 February 1997		
35	E. Rukundo	Chaplain	26 September 2001	II	27 February 2009
36	C. Kalimanzira	Directeur de Cabinet, Ministry of the Interior	14 November 2005	III	22 June 2009
37	L. Nshogoza	Former defence investigator	11 February 2008	III	2 July 2009 (contempt of court case)
38	T. Renzaho	Prefect of Kigali-Ville	21 November 2002	I	14 July 2009
39	M. Bagaragaza	Director General of Government office controlling the tea industry	16 August 2005	III	5 November 2009 (guilty plea)
40	H. Nsengimana	Rector, Christ-Roi College	16 April 2002	I	17 November 2009
41	T. Muvunyi	Interim Commander, École des sous-officiers camp	8 November 2000	III	11 February 2010 (retrial)
42	E. Setako	Lieutenant-Colonel	22 November 2004	I	25 February 2010
43	Y. Munyakazi	Interahamwe leader	12 May 2004	I	30 June 2010
44	D. Ntawukulilyayo	Sub-Prefect of Butare préfecture	10 June 2008	III	3 August 2010
45	G. Kanyarukiga	Businessman	22 July 2004	II	1 November 2010
46	I. Hategekimana	Lieutenant, Commander of Ngoma Camp, Butare	28 February 2003	II	6 December 2010
47	J.-B. Gatete	Bourgmestre of Murambi	20 September 2002	III	29 March 2011

Annex I.B

Cases where trial judgement delivery is awaited: three cases concerning 14 accused

Case	*Name*	*Former title or position*	*Date of initial appearance*	*Trial Chamber*	*Comments*
48	C. Bizimungu	Minister of Health	3 September 1999	II	*Bizimungu et al.* (joinder) Started on 5 November 2003. Evidence completed in June 2008. Closing arguments in December 2008. Judgement expected end-August 2011
	J. Mugenzi	Minister of Commerce	17 August 1999		
	J. Bicamumpaka	Minister of Foreign Affairs	17 August 1999		
	P. Mugiraneza	Minister of Civil Service	17 August 1999		
49	P. Nyiramasuhuko	Minister of Family and Women's Affairs	3 September 1997	II	"Butare" case (joinder) Started on 12 June 2001. Evidence completed in February 2009. Closing arguments in April 2009. Judgement expected second quarter of 2011
	A. S. Ntahobali	Interahamwe leader	17 October 1997		
	S. Nsabimana	Prefect of Butare	24 October 1997		
	A. Nteziryayo	Prefect of Butare	17 August 1998		
	J. Kanyabashi	Bourgmestre of Ngoma	29 November 1996		
	E. Ndayambaje	Bourgmestre of Muganza	29 November 1996		
50	A. Ndindilyimana	Chief of Staff of Gendarmerie	27 April 2000	II	"Military II" case (joinder) Started on 20 September 2004. Completion in February 2009. Closing arguments in June 2009. Judgement expected 17 May 2011
	F.-X. Nzuwonemeye	Battalion Commander, Forces armées rwandaises	25 May 2000		
	I. Sagahutu	Second-in-Command, Reconnaissance Battalion	28 November 2000		
	A. Bizimungu	Chief of Staff, Forces armées rwandaises	21 August 2002		

Annex I.C

One case where trial is closed but closing arguments have yet to be heard

Case	*Name*	*Former title or position*	*Date of initial appearance*	*Trial Chamber*	*Comments*
51	E. Karemera	Minister of Interior and Vice-President, Mouvement républicain national pour le développement	7 April 1999	III	*Karemera et al.* (joinder) Started on 27 November 2003. Started *de novo* on 19 September 2005. Third accused J. Nzirorera died on 1 July 2010 and proceedings against him were terminated. Evidence completed in February 2011. Closing arguments expected in August 2011. Judgement expected last quarter of 2011
	M. Ngirumpatse	Director-General, Ministry of Foreign Affairs, and President, Mouvement républicain national pour le développement	7 April 1999		

Annex I.D

Ongoing trials: four cases concerning four accused

Case	*Name*	*Former title or position*	*Date of initial appearance*	*Trial Chamber*	*Comments*
52	A. Ngirabatware	Minister in the Interim Government	10 October 2008; further initial appearance 9 February 2009	II	Started on 31 August 2009. Completion expected July 2011. Judgement expected first quarter of 2012
53	C. Nzabonimana	Minister of Youth in the Interim Government	20 February 2008	III	Started on 9 November 2009. Judgement expected December 2011
54	G. Ndahimana	Bourgmestre of Kivumu	28 September 2009	III	Started on 6 September 2010. Completion expected in May 2011. Judgement expected November 2011
55	Nizeyimana	Second-in-Command, ESO	14 October 2009; further initial appearance 7 October 2010	III	Prosecution case commenced on 17 January. Defence case scheduled to commence 9 May 2011. Expected to close in June 2011. Judgement expected first quarter of 2012

Annex II

Awaiting trial: one accused in one case

Name	*Former title or position*	*Date of initial appearance*	*Trial Chamber*	*Expected date of commencement of trial*
J. Uwinkindi	Pastor, Nyamata	9 July 2010	To be decided	Motion for referral to a national jurisdiction pending

Annex III

Ten fugitives

Augustin Bizimana
Félicien Kabuga
Fulgence Kayishema
Protais Mpiranya
Bernard Munyagishari
Phénéas Munyarugarama
Aloys Ndimbati
Ladislas Ntaganzwa
Charles Ryandikayo
Charles Sikubwabo